

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**NATHANIEL WHALEY**

**Plaintiff,**

**v.**

**Case No. 05-C-898**

**PETE ERICKSON, CAPT. LAURENT,  
SGT. LOFFTENBERG, J. HERTEL,  
NURSE JANE DOE, and SGT. CAMPBELL,**

**Defendants.**

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**DECISION AND ORDER**

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The plaintiff, Nathaniel Whaley, lodged this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. On February 16, 2006, the plaintiff was permitted to proceed *in forma pauperis* on his Eighth Amendment medical care and failure to protect claims. Currently pending is the plaintiff's motion to amend the complaint.

On March 15, 2006, the plaintiff moved to amend his complaint. The defendants do not oppose the plaintiff's request. The Local Rules provide in relevant part:

A motion to amend a pleading must specifically state in the motion what changes are sought by the proposed amendments. Any party submitting a motion to amend must attach to the motion the original of the proposed amended pleading. Any amendment to a pleading, whether filed as a matter of course or upon motion to amend, must reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference.

Civil L.R. 15.1 (E.D. Wis.).

In this case, the plaintiff has not submitted a copy of the proposed amended complaint. It is important for even *pro se* petitioners to comply with the procedural demands of the court, especially if they seek to add new claims and new defendants. See *Mohasco Corp. v. Silver*, 447 U.S. 807, 826 (1980)(the Supreme Court has never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel). Accordingly, the plaintiff's motion to amend the complaint will be denied.

If the plaintiff wishes to file an amended complaint, he must do so within 30 days of the date of this order. Because an amended complaint supercedes a prior complaint, the plaintiff will need to file an amended complaint which incorporates the allegations set forth in his initial complaint. See *Duda v. Board of Ed. Of Franklin Park Public School District No. 84*, 133 F.3d 1054, 1056 (7th Cir. 1998); *see also* Civil L.R. 15.1. Any matters not set forth in the amended complaint are, in effect, withdrawn. See *Duda*, 133 F.2d at 1056. The amended complaint will then be screened pursuant to 28 U.S.C. § 1915A.

**IT IS THEREFORE ORDERED** that the plaintiff's motion to amend (Doc. #10) is **denied**.

Dated at Milwaukee, Wisconsin, this 10th day of July, 2006.

**SO ORDERED,**

s/ Rudolph T. Randa  
**HON. RUDOLPH T. RANDA**  
**Chief Judge**